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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/511,265	02/23/2000	Charlie Ghahremani	37075/JEC/X2	4000
35114	7590	11/18/2004	EXAMINER	
ALCATEL INTERNETWORKING, INC. ALCATEL-INTELLECTUAL PROPERTY DEPARTMENT 3400 W. PLANO PARKWAY, MS LEGL2 PLANO, TX 75075			HOM, SHICK C	
			ART UNIT	PAPER NUMBER
			2666	

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. **09/511,265**Applicant(s) **GHAHREMANI, CHARLIE**Examiner **Shick C Hom**Art Unit **2666**

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 12-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,6,7,12-16 and 18-20 is/are rejected.
- 7) ☒ Claim(s) 2,3,5,8,9 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. This application is in continued examination in view of the letter for continued examination (RCE) under 37 CFR 1.114 filed on 8/3/04.

Response to Arguments

2. Applicant's arguments with respect to claims 1-9 and 12-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

3. Claims 16-20 are objected to because of the following informalities: in claims 16-20 line 1 delete "a block of data" and insert ---the block of data--- because they're reciting the block of data of claim 1 line 3. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and

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distinctly claim the subject matter which applicant regards as the invention.

In claim 18 lines 1-2 which recite "the buffer descriptor" Lacks clear antecedent basis because no buffer descriptor have been previously recited in the claims and therefore the limitation is not clearly understood; further it is not clear as to whether claim 18 should depend from claim 17, since the buffer descriptor is recited in claim 17.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1, 4, 6-7, 12-16, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jin et al. (2003/0039210) in view of Wakeland (5,896,383).

Regarding claims 1, 4, 6-7, 12-16, and 19-20:

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Jin et al. disclose the data switch including a plurality of interface modules comprising: packet having an associated descriptor, wherein the associated descriptor comprises a quality of service field for provisioning resources and passing the packet to an application according to the descriptor of the generic packet; (see paragraph 0011 which recite certain bits of the packet used to designate the quality of service level to be afforded to the packet as it passes through a data communications networks) as in claims 1, 6, 12, and 14; and wherein the associated descriptor comprises output port information and wherein the output port information comprises the physical port address of the output port (see Fig. 1B the source and destination port numbers) as in claims 19-20.

For claims 1, 4, 6-7, 12-16, and 19-20, Jin et al. disclose all the subject matter of the claimed invention with the exception of wherein each of at least two of the plurality of interface module have a dissimilar communication medium, a method of forwarding a block of data comprising: receiving a first packet in a first protocol via a first interface module of the plurality of interface modules; translating the first packet into a generic format to create a generic packet; passing the packet to an application; translating the generic packet into a second protocol to create a second packet at a second interface

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module; and sending the second packet to an output port, wherein the first interface module and the second interface module are associated with dissimilar communication media as in claims 1, 6, 12, 14. Jin et al. did not recite the CPU, backplane communication channel and system buffer as in claim 16.

Wakeland from the same or similar fields of endeavor teach that it is known to provide wherein each of at least two of the plurality of interface module have a dissimilar communication medium, a method of forwarding a block of data comprising: receiving a first packet in a first protocol via a first interface module of the plurality of interface modules; translating the first packet into a generic format to create a generic packet; passing the packet to an application; translating the generic packet into a second protocol to create a second packet at a second interface module; and sending the second packet to an output port, wherein the first interface module and the second interface module are associated with dissimilar communication media (see col. 4 lines 1-16 which recite logic for translating between different protocols and the use of a pre-defined generic packet format to facilitate conversions between different packet formats and see col. 7 lines 14-32 which recite the first protocol and second protocol) as in claim 1, 6, 12, 14; and the CPU, backplane communication

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channel and system buffer (see col. 4 lines 48-57 and col. 9 lines 44-48) as in claim 16. Thus, it would have been obvious to the person having ordinary skill in the art at the time the invention was made to provide wherein each of at least two of the plurality of interface module have a dissimilar communication medium, a method of forwarding a block of data comprising: receiving a first packet in a first protocol via a first interface module of the plurality of interface modules; translating the first packet into a generic format to create a generic packet; passing the packet to an application; translating the generic packet into a second protocol to create a second packet at a second interface module; and sending the second packet to an output port, wherein the first interface module and the second interface module are associated with dissimilar communication media as taught by Wakeland in the method of forwarding data of Jin et al. The step of wherein each of at least two of the plurality of interface module have a dissimilar communication medium, a method of forwarding a block of data comprising: receiving a first packet in a first protocol via a first interface module of the plurality of interface modules; translating the first packet into a generic format to create a generic packet; passing the packet to an application; translating the generic packet into a second protocol to create

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a second packet at a second interface module; and sending the second packet to an output port, wherein the first interface module and the second interface module are associated with dissimilar communication media can be implemented by connecting the translators of Wakeland into router of Jin et al. The motivation for providing translators for translating the first packet into a generic format and translating the generic packet into a second packet as taught by Wakeland in the method of forwarding data of Jin et al. being that it provides the added feature of having the network being able to support different packet/frame formats in Jin et al.

Regarding claim 4:

Jin et al. disclose wherein the sending comprises sending the second packet to a backplane, the second packet having a port address within a range reserved for a destination port (see paragraphs 0006 and 0033).

Regarding claim 7:

Jin et al. disclose wherein the input and output drivers register with a generic forwarding interface, the generic forwarding interface being located between the drivers and the application (see paragraphs 0006 and 0023-0024).

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Allowable Subject Matter

7. Claims 2-3, 5, 8-9, and 17-18 would be allowable if rewritten to overcome the objection(s) and rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bruno et al. disclose move-to-rear list scheduling.

Hartmann et al. disclose communication traffic circle system and method for performing packet conversion and routing between different packet formats including an instruction field.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shick C Hom whose telephone number is 572-272-3173. The examiner can normally be reached on Monday to Friday with alternate Fridays off.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 572-272-3174. The fax phone number for the

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organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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